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IN THE

Supreme Court of the United States

OCTOBER TERM, 1940.

No. 150.

A. M. GILSTRAP, *et al.*,

Petitioners,

vs.

STANDARD OIL COMPANY, an Ohio corporation, *et al.*,

Respondents.

No. 151.

A. M. GILSTRAP,

Petitioner,

vs.

STANDARD OIL COMPANY, an Ohio corporation, *et al.*,

Respondents.

On Petition for Writs of Certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

PETITIONERS' PETITION FOR REHEARING.

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Parker & Baird Company, Law Printers, Los Angeles.

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PETITIONERS' PETITION FOR REHEARING.

A. Original Petition, in No. 150 and No. 151, October Term, 1940, Denied, October Fourteenth.

A. M. Gilstrap, petitioner, 118 Peralta Way, Fresno, California, for himself, wife and daughter, prays rehearing be allowed on so important cases as No. 9158, which is No. 150 here; and No. 9200, which is No. 151.

R. C. W. Friday, of counsel for petitioners, P. O. Box 905, Main Office, New Federal Building, Los Angeles, whose all credentials for his admission before U. S. Supreme Court are now on file with its clerk, in proper form, as R. C. W. Friday is advised, thereupon prays hereby too to be heard, most earnestly, upon each of within No. 150 and No. 151.

Or, in unavoidable circumstances as nearly happened last June,—if my counsel, R. C. W. Friday, not able to argue case, then A. M. Gilstrap, *in pro persona,* will.

B. Preliminary.

In other words, Raymond Lisenba will get a hearing. Then, why not wholesome family of A. M. Gilstrap, *et al.?* (No. 150 and No. 151, R. 124-125 not quaint lack of "due process of law".)

Briefly, it offends most any clean cut citizen, *too,* to not be heard, when guarantee had by Constitution for jury trial when more than $20.00 is involved; but *not* had in fact.

Too, in Gilstrap's family, residing 118 Peralta Way, Fresno, Calif., *in pro persona* (in case attorney perchance, owing to illness of parents in Iowa, detained from possible or probable hearing, henceforth), said petitioners who *not* even apprised by U. S. mail as to what decision was October 14th.

None of respondents, to any complaints in No. 150 and No. 151, have ever denied under oath the *facts* alleged in said complaints, each bearing heavy-laden with fruition by them, in favor of themselves gaining mightily in their violations of anti-trust laws; most amply pointed out by

each of petitioners' reply briefs on file herein, and for reference thereto, pointed to as:

Petitioners' Roman I: Sept. 4th, reply brief:

Under "H" thereof, page 9, the quotation should read:

"A conspiracy thus *continued* is in effect renewed during each day of its continuance."

U. S. v. Socony Vacuum Oil Co., et al., 60 Sup. Ct. 811, 846.

Each page of said No. I, Sept. 4th, 1940, reply brief, herein fully again reasserted, on petition for rehearing.

Petitioners' reply brief to "Standard of Ohio" of date, August 22nd, 1940, for convenience designated: Roman No. II,—and, *correction,* bottom page 3, second to last line, should read: "* * * upon secretary of state," and *not* "state*s*"; and, extra copies as to Appendix thereto, failed to have asserted services, as to page 11, Frank Carr, and Katie Conniff, crossed out, in that *bulk,* the extra 40 copies, by printer—on their way to Washington.

Our apologies for these slight errors.

Likewise, may it please the Court, we fully reassert all of reply brief, of September 16th, 1940, which we may know as Roman No. III, hereinafter.

Too, reply brief of September 24th, as Roman No. IV.

The laws of these great United States were made to be obeyed; and no provision therein which may be considered as mitigational conditions which permits any courts of the United States to wink at one person or persons and pass them up as excusable and yet on other hand prose-

cute others who are less wealthy; nor have we here anything by which petitioner's being even permitted to be heard would or might interfere with defense program.

The Congress hath declared for every official to undertake with affirmation to that end, that will administer laws equally among the poor and the rich alike, and violations of oath is not permissible even for the comfort and ease of any Standard Oil Company, of which there are legion. Nor for an attorney general who may have all the facts.

U. S. v. Socony Vacuum Oil Co., et al., 60 Sup. Ct. 811.

A court is a body of men appointed or elected to serve the people alike without regard to politics; Congress made the courts, meaning district courts, by virtue of the Constitution and the Bill of Rights, nor do laws applying thereto provide the right (argumentatively) to make fish of one and flesh of another, and any person may carry a wrong to such courts and have his or her day in that court. Gilstraps yet claim and will show, that at no time have they, or either of them, *had their day in court, on the whole* question of the federal question in these two causes, No. 150 and No. 151, involving wider field than merely arbitrary State of California boundary lines.

Wherefore, abounding facts of course alleged and not denied (No. 150, R. 3 to 46; first amended complaint, verified Feb. 12, 1938) are concise enough, under federal question, to require trial by jury of highly notable misconduct of J. A. Brower (No. 150, R. 38-39), who is

alleged to have received $250,000.00 and *not* denied; nor Earl Warren's, *et al.,* not denied (No. 150, R. 30); and first amended complaint in No. 151, at R. 80-133, duly verified December 31, 1938. The whole misconduct of all respondents, so amply pointed out in printed petition on file, pp. 23, 24, 25, 26, and 27, under caption: *"D. Officials' Unofficial Unwarranted Acts Deplored."*

Reply brief, Roman No. III, page 4.

And one Pearce filed no brief. Printed petition, p. 23. All had joined somewhere along the line: "In that district" . . . "pursuant to the conspiracy" . . . ". . . Los Angeles County . . ." (No. 151, R. 85) and elsewhere.

U. S. v. Socony Vacuum Oil Co., et al., 60 Sup. Ct. 811, at p. 820.

And, may it please the Court, how ever prove our cases, when not allowed ever to enjoy "due process of law" by *not* being allowed petitioners' day in court.

Raymond Lisenba is being allowed his day in court.

Harry Bridges is being allowed his day in court.

American Medical Association, too, to have its day in court.

A. M. Gilstrap alone in one case, paying $444.50 for transcript, besides filing fees, and additional costs, in order to be wholesomely here, with printed petition and printed reply briefs, in wholesome fashion in order to have one clear cut wholesome hearing hereon, and prays that counsel or he himself may be heard as to whole details, involv-

ing a business and damage thereto which more than statewide in merely the State of California, because Court should take judicial notice of wide activity of at least two respondent corporations, worth millions upon millions, who or which have damaged petitioners in their wide field of activity and business undertaken as free American enterprise, by such Native Son, as it were when Raymond Lisenba and Harry Bridges to the contrary notwithstanding.

Argument.

Article the Fourth and Article the Sixth of the Bill of Rights are as binding now as at any time in the past history of these great United States of America. One may not condone with one breath and condemn in and by the next breath the Constitution and statutes of these United States and as absolutely not binding on corporations of great wealth as well as individuals, and one may not so profit by his or *its* wrong-doings. *Its*, the Standard Oil's.

Finally, full and fair rehearing herein *too* to grant that whole matters, in both cases, No. 150 and No. 151, may be heard, will become and make remedial the whole of all matters concerned, not reached by any state court, because of magnitude of Standard Oil's vast field of operations,—not always in the public's interest (par. XXXVIII, No. 151, R. 122-123). J. A. Brower, *et al.*, again, in con-

spiracy with respondents named (No. 150, R. 147). Thereby, *here as to such federal questions* (R. 418, No. 151).

Eastern States Retail Lumber Dealers Asso. v. U. S., 234 U. S. 600;

U. S. v. Socony Vacuum Oil Co., et al., 60 Sup. Ct. 811;

Complaints sufficient as to federal question:

Buckeye Powder Co. v. DuPont, etc., Co., 196 Fed. 514, at 524-25;

Swift v. United States, 196 U. S. 375, at 395;

Monarch Tobacco Works v. Am. Tobacco Co., 165 Fed. 744;

Overland Publishing Co. v. Crocker Co., 193 Cal. 109;

Lowe v. Lawler, 208 U. S. 274;

Stevens v. Foster & Kleiser, No. 41, this Court, 109 Fed. (2d) 764, *certiorari granted May 6th, 1940.*

"The close and intimate effect which brings the *subject within reach of federal power* may be due to *activities in relation to productive industry*, although that industry when separately viewed is local."

Santa Cruz Fruit Packing Co. v. N. L. R. B., 303 U. S. 453.

Intent to monopolize was there, and accomplished; would any dare say that such was *not* the case.

Printed petition, pp. 22-23.

A re-review of every page of every one of our reply briefs, I, II, III, and IV, together with above observations wholly justified, and rehearing, with petition granted, should be obvious in so momentous a problem as herein involved. And, too, to do so will not involve the national defense.

Dated: Los Angeles, November 4, 1940.

Respectfully submitted,

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Certificate of Counsel.

I, R. C. W. Friday, attorney for the petitioner in the above entitled cases, certify that this Petition for Rehearing is interposed in good faith and not for the purpose of delay.

R. C. W. FRIDAY.